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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/076,275

02/14/2002

Lawrence Stephen Dieterich

1052

7590

07/17/2006

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P.O. Box 72095  
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EXAMINER

BRITTAIN, JAMES R

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/076,275

Applicant(s)

DIETERICH, LAWRENCE  
STEPHEN

Examiner

James R. Brittain

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-84 is/are pending in the application.
- 4a) Of the above claim(s) 31-60 and 75-84 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-30 and 61-74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

Applicant's amendment to the specification on page 47 to replace the paragraph beginning on line 18 and concluding on page 48, line 10 can not be entered because it does not comply with 37 CFR 1.121(b)(1) in that the replacement paragraph is in clean form without showing the alterations from the existing paragraph in the form of strike-through for deletions or double brackets for five or fewer consecutive characters and underlining for additions. Similarly, changes to the Title and the replacement paragraph for the brief description of Figure 10 must also be in marked-up form with the additions shown by underlining and the deletions by strike-through. Until an amendment to the specification is provided in compliance with 37 CFR 1.121, the specification remains as filed. Applicant needs to provide amendments in marked-up fashion for all changes to the specification. Correction is required. A copy of the pertinent portion of 37 CFR 1.121 dealing with changes to the specification 37 CFR 1.121(b)(1) is provided for applicant below:

(b) *Specification.* Amendments to the specification, other than the claims, computer listings (§ 1.96) and sequence listings (§ 1.825), must be made by adding, deleting or replacing a paragraph, by replacing a section, or by a substitute specification, in the manner specified in this section.

(1) *Amendment to delete, replace, or add a paragraph.* Amendments to the specification, including amendment to a section heading or the title of the invention which are considered for amendment purposes to be an amendment of a paragraph, must be made by submitting:

(i) An instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a paragraph with one or more replacement paragraphs, or add one or more paragraphs;

(ii) The full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strikethrough cannot be easily perceived;

(iii) The full text of any added paragraphs without any underlining; and

(iv) The text of a paragraph to be deleted must not be presented with strike-through or placed within double brackets. The instruction to delete may identify a paragraph by its paragraph number or include a few words from the beginning, and end, of the paragraph, if needed for paragraph identification purposes.

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### ***Election/Restrictions***

Applicant's election without traverse of Group I, the article claims, in the reply filed on October 3, 2005 is acknowledged.

Claims 31-60 and 75-84 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 3, 2005.

### ***Drawings***

The drawing changes submitted September 22, 2003 does not comply with 37 CFR 1.121(d) because it is not labeled in the top margin as a "Replacement Sheet". Figure 10 therefore remains as originally filed. Applicant needs to refile the sheet with "Replacement Sheet" in the top margin. Correction is required.

## **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

### **Annotated Drawing Sheets**

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A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21-30, 61-66 and 67-74 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant uses the broad descriptions "such that each pair contains first and second member types that will mate with each other to form a releasable coupling, but wherein members of the same type will not mate with each other" (first introduced in claim 21 in lines 5-7 with numerous subsequent referrals to this structure) and "such that each pair contains first and second member types that will mate with each other, but wherein members of the same type will

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not mate with each other” (first introduced in claim 61 in lines 5-7 with numerous subsequent referrals to this structure and again first introduced in claim 67 in lines 5-7 with numerous subsequent referrals to this structure). These descriptions are broader than that provided in the application as filed. The application as filed does not utilize the broad “member type” language, but instead uses the different and narrower term --gender type--. The application as filed clearly describes and supports “gendered” fasteners --such that each pair contains first and second gender types that will mate with each other to form a releasable coupling, but wherein genders of the same type will not mate with each other--, but the application as filed lacks support for the broader term “member types” that has broader scope than “gender types”. The claims therefore contain new matter because they are broader than the application as filed. It is suggested that applicant amend the claims to utilize the term --gender-- where appropriate so as to have a clear correspondence between the terminology of the claims and the corresponding terminology found in the specification and such an amendment would obviate this rejection. Applicant’s choice to terminology as filed is fully descriptive of the device as shown in the figures. The remaining claims contain new matter through their dependence from independent claims containing new matter and their use of the terminology.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 30, 66 and 74 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 is indefinite because it is unclear if the claim is directed to “a bulk reversibly folding tie having at least four segments” (lines 1-2) or “two smaller reversible folding ties, each of said smaller reversible folding ties having at least two segments” (lines 3-4). These are two very different structures and the claim can only be drawn to one of these structures. The claim is of indefinite scope as it is mixed with process language separating a bulk tie into two ties and therefore fail to serve notice for an article claim as to what is the scope of the product, there can be but one not two at different points of time. It is unclear as to whether a bulk tie of four segments alone would fall within the scope of the claim or whether the bulk tie would only fall within the scope of the claim when separated into two ties. Similarly, when viewing two identical separated ties it would be completely unknown whether they would fall within the scope of the claim because there would be no indication whether they were formed from adjacent segments of a bulk tie, non-adjacent segments of a bulk tie, segments from two completely separate bulk ties or individually formed, so it is unclear if they would have to be formed from adjacent sections of a four segment bulk tie in order to all within the scope of this claim. Claims 66 and 74 have a similar construction and are indefinite for the same reasons. These claims are considered drawn to a bulk tie separable into two ties. It is suggested that these claims be cancelled and the process limitations be placed in the process claims.

### ***Claim Rejections - 35 USC § 103***

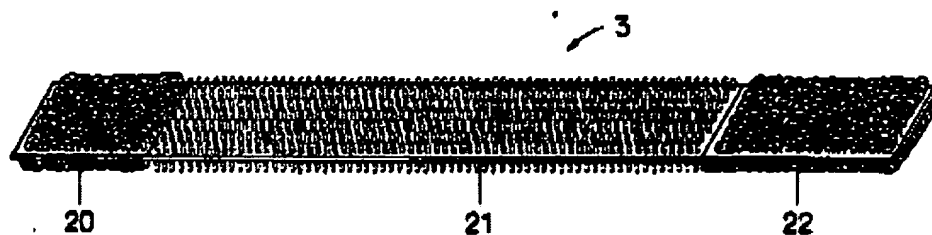
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 21-24, 26, 67, 68 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn (US 5142743) in view of Polad (US 6349904).

Hahn (figures 1-4d) teaches a folding tie 3 comprising three segments, two end segments 20, 22 with loop material on the opposite major faces and a central segment 21 with hook material on the opposite major faces connecting the two end segments 20, 22. Folding tie 3 is reproduced below from figure 3:



*FIG. 3.*

The construction of the band is described in column 3, line 66 - column 4, line 14 reproduced below:

**FIG. 3 shows another bundling device 3 having a first end section 20 which has loop type VELCRO material on both top and bottom sides of thereof for a short distance. The length of this section varies depending on the overall length of the strap, but this usually is the shortest section.**

**The center section 21 has hook type VELCRO material on both top and bottom sides to form the longest section of the strap. The length of this section varies depending on the overall length of the strap, but this is the longest section.**

**The second end section 22 has loop type VELCRO material again on both the top and bottom sides of the strap 3. The length of this section varies depending on the overall length of the strap. This section is usually longer than the first end section 20, but shorter than the center section 21.**



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Hahn indicates that the basic operation of the straps shown in figures 1-3 is the same as indicated in column 4, lines 15-19 and reproduced below:

**The bundling straps 1, 2 and 3 allow more convenience and personal preference in application. The basic operation is the same for all types. In use, the strap 3 is completely reversible and is not wrap directional dependent.**

Hahn indicates how strap 1 of figure 1 is used in column 3, lines 34-38 reproduced below:

**Operationally, the strap device 1 is not reversible, it must be attached to the item to be bundled with the top of the first end section 20 against the top of the center section 21 and must be wrapped with hook of the center section 21 facing out.**

Further description of the complete operation is found in column 4, lines 35-45 reproduced below:

**The sequence of operation of the invention is shown in four steps in FIGS. 4a, 4b, 4c, and 4d.**

**In FIG. 4a, the bundling device is attached to the power supply cord 24 of an electric drill 23 by placing the cord 24 over the device at the intersection of the first end section 20 and center section 21. The first end section 20 is then wrapped over the cord 24 and pressed into the center section 21 to form a snug loop around the cord. Type 1 and 2 devices must have the top surface loop end section 20 facing the cord. Type 3 and 4 devices are completely reversible.**

**FIG. 4b illustrates the drill and power supply cord after it is coiled with the invention in position to be wrapped.**

**FIG. 4c indicates the direction of wrap for the type 1 device. The bundling process is the same for type 2 and 3 but the direction of wrap becomes optional because of their reversible nature.**

**FIG. 4d shows the wrap repeating and progressing to completion. FIG. 4d illustrates the second end section 22 loop attached to the center section 21 hook with the wrap completed and the bundle secured.**

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The description of the use of the tie is consistent with that shown in figures 4a and 4b wherein the cord 24 is placed at the intersection of segments 20 and 21 with the segment 20 folded over the cord so that the top surfaces of the two segments engage in the same manner as required for tie 1.

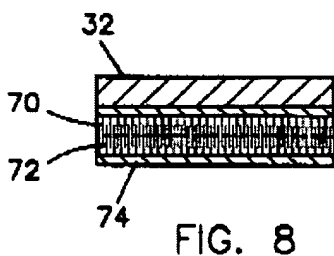
Hahn also indicates that the hook and loop materials can have canvas or nylon strapping attached to the backing of the hook and loop materials as indicated in column 3, lines 39-45

reproduced below:

**The sections 20, 21, and 22 are attached to each other with glue, stitching, or a process called sonic welding. In some cases, canvas or nylon strapping may be attached to the backing of the VELCRO materials to add strength to the strap. The center section 21 may be alternately constructed with hook fastener material on both the top and bottom sides thereof.**

The difference is that while Hahn provides structure for folding and joining the three segments 20, 21, 22, the segments having the hook and loop material on opposite major faces are immediately adjacent each other so that the folding and joining structure is not clearly located between the segments.

However, Polad (figures 6, 8, 9) teaches spacing the interlocking materials 152, 154 apart and that hinge grooves can be placed in the centered portion so as to form a narrowed hinge fold axis, an example of which is identified by reference numeral 54 in figure 9. Figures 6, 8, 9 and the descriptive material of figure 6 found in column 5, lines 7-37 are reproduced below:



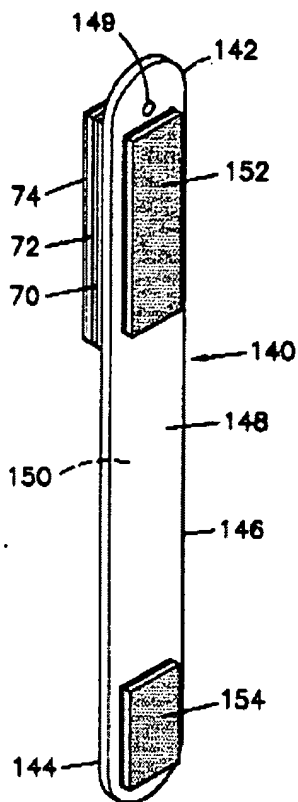


FIG. 6

Referring to FIG. 6, therein is shown an embodiment of the invention which comprises a flexible strap member 140 having a top portion 142, a bottom portion 144, and a middle portion 146. Strap member 140 also has a front surface 148 and a back surface 150. A hole 149 can be included for mounting strap member 140 using a nail or screw (not shown). The fastening means for this embodiment preferably comprises a first type of interlocking material 152, preferably adhesive-backed, which is fastened to front surface 148 at top portion 142 such as by an adhesive, riveting, or heat-bonding. A second type of interlocking material 154, preferably adhesive-backed, is fastened to front surface 148 at bottom portion 144, which first and second types releasibly connect top and bottom portions 142 and 144 of strap member 140 together to form a loop (not shown) as in the previous embodiments of the invention. Center portion 146 can include one or more hinge grooves (not shown) in front surface 148 and rear surface 150 to aid center portion 146 to bend more easily, which grooves can be on one side, or both sides, staggered or aligned. The attachment means is first type interlocking material 70, preferably adhesive-backed, which is fastened to back surface 150 at top portion 142 such as by an adhesive, riveting, or heat-bonding. Second type interlocking material 72, preferably adhesive-backed, releasibly connects to first type interlocking material 70 and preferably adhesively attaches to a wall, though other means such as separate adhesives, screws, nails, and the like may be used. Releasable backing paper 74 can be provided for the adhesive backing to prevent inadvertent adhesion, which paper 74 is removed prior to attachment to a wall.

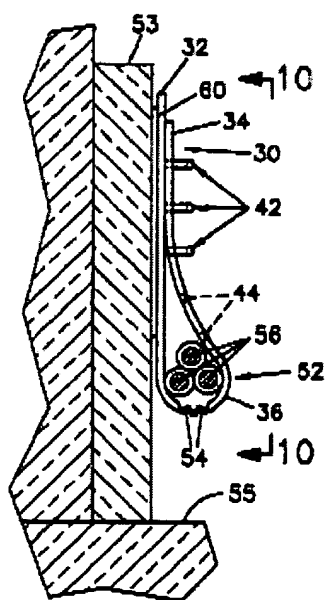


FIG. 9

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Polad indicates that it is desirable to provide a fold axis defined by hinge grooves between spaced interlocking segments as allowing easier bending at a preferred area between the spaced interlocking segments.

As making the tie of Hahn easier to manipulate by bending at the juncture of the segments where a cable is located is desirable, it would have been obvious to modify the tie of Hahn so that the interlocking segments are spaced by the folding and joining structure in view of Polad suggesting such structure as being desirable to permit easier bending at a preferred area of cable placement.

In regard to claims 23 and 24, while Hahn suggests using canvass or nylon strapping as a backing to the hook and loop material to add strength, Polad clearly suggests a continuous flexible support element 146 common to adjacent interlocking segments wherein hinge grooves are formed therein thereby creating a narrowed spanning-element at the location of the grooves.

As to claim 26, as indicated above Hahn provides three segments and as modified above for the juncture between each segment renders obvious the subject matter of this claim.

In regard to claim 67, this claim is similar to claim 21 and though the reversible-folding and joining means is not claimed the folding tie with a fold axis between the segments is, so the argument rejecting this claim is the same as for claim 21 above and incorporated herein.

Claim 70 is rejected on the argument presented above in rejecting claim 26.

Claims 25, 27, 61-64, 69 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn (US 5142743) in view of Polad (US 6349904) as applied to claims 21, 26, 67 and 70 above, and further in view of Armour, II (US 5136759).

Further modification of the tie of Hahn so that the segment support element is discontinuous with a gap between adjacent segments and the gap spanned by a narrowed spanning element that can twist as indicated in claim 25 and 61 would have been obvious in view of Armour, II (figure 6) teaching spacing the segments 75, 76 having hook and loop material so as to be discontinuous and having a spanning element 79 therebetween that can twist and flex and while not narrower than the segments 75, 76 provides the same function and making it narrower provides no improved function over that clearly shown by the flexing and twisting in Armour, II so that being narrower is within the skill of the art as a matter of scaling a structure.

As to claims 27, 64 and 71, as indicated above Armour, II suggests separating the segments 75, 76 so as to place a spanning element 79 therebetween and this creates a separation or furcates the tie into discontinuous segments. The final product is what the claims are directed to and the language “is furcated” indicates the segments are discontinuous as evidenced to be desirable by Armour, II.

Claims 28 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn (US 5142743) in view of Polad (US 6349904) and as applied to claims 21 and 67 above, and further in view of Montgomery (US 6273376).

Further modification of the device of Hahn such that it has a star-like configuration with the three segments radiating from a single point would have been obvious in view of Montgomery (figure 5) teaching that such a configuration 12A”, 12B”, 12C” can be desirable depending upon the configuration needed.

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Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn (US 5142743) in view of Polad (US 6349904) and Armour, II (US 5136759) as applied to claim 61 above, and further in view of Montgomery (US 6273376).

Further modification of the device of Hahn such that it has a star-like configuration with the three segments radiating from a single point would have been obvious in view of Montgomery (figure 5) teaching that such a configuration 12A", 12B", 12C" can be desirable depending upon the configuration needed.

Claims 29 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn (US 5142743) in view of Polad (US 6349904) and as applied to claims 21 and 67 above, and further in view of Helfer-Grand (US 6427839).

Further modification of the device of Hahn such that there is a two-by-two checkerboard configuration of segments would have been obvious in view of Helfer-Grand (figure 12) teaching such a two-by-two configuration A, B as being desirable upon a folding tie for added securement.

Claims 30 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn (US 5142743) in view of Polad (US 6349904) and as applied to claims 21 and 67 above, and further in view of Shaw (US 4215687).

Further modification of the device of Hahn such that it is formed from bulk material and separated into two ties would have been obvious in view of Shaw (figure 1, 2) teaching that it is conventional in this art to provide material in bulk (figure 1) and then sever it (figure 2) so as to form a plurality of fasteners securable together (figure 3).

Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn (US 5142743) in view of Polad (US 6349904) and Armour, II (US 5136759) as applied to claim 61 above, and further in view of Shaw (US 4215687).

Further modification of the device of Hahn such that it is formed from bulk material and separated into two ties would have been obvious in view of Shaw (figure 1, 2) teaching that it is conventional in this art to provide material in bulk (figure 1) and then sever it (figure 2) so as to form a plurality of fasteners securable together (figure 3).

#### ***Response to Arguments***

Applicant's arguments with respect to claims 21-30 and 61-74 have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment defining the segments the location of the mating members on the faces of the segments and the location of the fold axis necessitates the new ground of rejection.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

This action is a **final rejection** and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee of \$250.

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier.

A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.



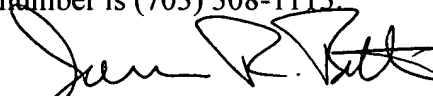
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065.

The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read 'James R. Brittain', with a stylized flourish at the end.

James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB  
July 7, 2006